



Water Quality NewsFlash

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Areas of Special Biological Significance (ASBS) – Board holds Monterey workshop – On August 31, the State Water Resources Control Board held a workshop to hear testimony concerning the Board's program to enforce a ban on the discharge of wastes to ASBS. As discussed in *NewsFlash* 05-28, discharges to ASBS, including stormwater, must be terminated unless the dischargers apply for and receive an exception to the Ocean Plan. Board staff stated that they are considering issuing a "general exception" rather than individual exceptions for each stormwater discharger. The Board has recently notified the dischargers by letter of the application requirements, which include providing monitoring data on metals, chronic and acute toxicity and several other pollutants as well as a quantitative survey of marine life near the discharge. Board staff stated that more intensive monitoring would be needed after the exception is granted. The completed exception applications are due next spring.

Caltrans as well as many other municipal and county dischargers testified. Stormwater dischargers are concerned about monitoring costs as well as the uncertainty regarding the amount of stormwater control and treatment necessary to receive and maintain an exception. Urban runoff typically contains pollutants including metals and bacteria that exceed Ocean Plan standards at the point of discharge. The Board has not indicated what specific runoff quality or treatment and controls will be needed for an exception.

Some representatives of environmental organizations indicated that capturing and diverting the discharges around ASBS was not necessary or even beneficial. The groups urged more controls or treatment to address the runoff and protect the ASBS and some argued that exceptions were not warranted. A State Board member in attendance requested that a workshop be held in the near future in Southern California to hear additional testimony. It is unclear what the outcome of the workshops will be. ASBS information: <http://www.waterboards.ca.gov/plnspols/oplans/asbs.html>

Children's Pool – Clash of human and seal rights – Children's Pool is a small La Jolla beach protected by a breakwater. Bacteria levels at the beach typically exceed standards due to contamination by marine mammals and the beach has an ongoing health advisory. Last year, a joint-use plan was developed to give seals exclusive occupation rights for the first half of the year which is pupping season, while humans would have access to the beach from July 1 to January 1, but would still have to share it with any seals around.

Now a Superior Court judge has ruled that San Diego must complete a project within 6 months to both improve water quality and facilitate human access. The seals will be displaced, at least temporarily. Regulatory hurdles for the project include the need for environmental documentation as well as Coastal Commission approval and an incidental harassment permit under the Marine Mammal Protection Act. Article: http://www.signonsandiego.com/uniontrib/20050827/news_2m27seals.html

Reminder – *California Stormwater Quality Association (CASQA) 2005 Annual Conference* - October 3, 4, and 5, 2005; Ontario, CA; for agenda & registration: <http://www.casqa.org/>

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